

## **Housing Action Plan: As-of-Right Zoning for Mid-rise Buildings on Avenues – Ontario Land Tribunal Hearing – Request for Directions**

**Date:** December 5, 2025

**To:** City Council

**From:** City Solicitor

**Wards:** All Wards

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

### **SUMMARY**

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On November 14, 2024, City Council adopted By-law 1260-2024, which amended City-wide Zoning By-law 569-2013 to provide as-of-right permissions for mid-rise buildings along certain streets designated as Avenues.

On December 18, 2024, one landowner appealed the Zoning By-law Amendment to the Ontario Land Tribunal ("OLT"). The OLT held Case Management Conferences on May 1, 2025 and October 23, 2025.

On October 24, 2025, the OLT issued an order confirming that Zoning By-law 1260-2024 shall be deemed to have come into force on November 14, 2024, for all areas of the City set out in sections 34 and 35 of the by-law save and except for the lands municipally known as 2850 Kingston Road.

The City Solicitor requires further directions for proceedings before the OLT. This matter is urgent and cannot be deferred.

### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.

2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, and the entirety of Confidential Appendix "A" to this report from the City Solicitor, if adopted by City Council.

3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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On November 14, 2024, City Council adopted By-law 1260-2024, which amended City-wide Zoning By-law 569-2013 to provide as-of-right permissions for mid-rise buildings along certain streets designated as Avenues:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH16.1>

On October 24, 2025, the Ontario Land Tribunal issued an order confirming the scoping of the one outstanding appeal and confirming that the balance of the by-law had come into force on November 14, 2024:

<https://www.omb.gov.on.ca/e-decisions/OLT-24-001245-OCT-24-2025-ORD.PDF>

## **COMMENTS**

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The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information